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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,677	12/11/2001	Jonathan Kahn	9761730-0016	3203

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EXAMINER

RIVERO, MINERVA

ART UNIT	PAPER NUMBER
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2655

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/014,677	Applicant(s) KAHN ET AL.	
	Examiner Minerva Rivero	Art Unit 2655	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. In the Remarks submitted 6/27/05, Applicants added claim 2 and submitted arguments for allowability of pending claims.

Response to Arguments

2. Applicants' arguments filed 6/27/05 (see Remarks, Page 3) have been fully considered but they are not persuasive.

Regarding claim 1, Applicants argue that Holt *et al.* fail to teach 'the concept of a "transcribed text file" versus a "verbatim text file"'. The examiner cannot concur with the Applicants, Holt *et al.* do disclose distinctive transcribed (*dictated text is transcribed*, Col. 12, Lines 13-19) and verbatim text files (*text corrected by the user is linked to the speech recognition engine for improvement of accuracy or updating*, Col. 4, Lines 32-35; *background window*, Col. 8, Line 53 - Col. 9, Line 6; Col. 5, Lines 31-56) [See Applicants' Specification, Page 16, Lines 14-21 (*verbatim text window is a correction window*), see also Fig. 3, element 308.]

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2655

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Holt *et al.* (US Patent 5,960,447).

Regarding claim 1, Holt *et al.* disclose a method of

(i) loading a first window with a transcribed text file having a plurality of words, where the transcribed text file is associated with the audio file (*displaying the alternative words*, Col. 5, Lines 5-11; Fig. 4, element 73);

(ii) loading a second window with the verbatim text file having a plurality of words (*displaying the edited document*, Col. 3, Lines 25-26);

(iii) selecting at least one word from the transcribed text file and at least one word from the verbatim text file (Col. 2, Lines 7-12; *selecting among various alternatives*, Col. 4, Lines 23-27; Fig. 4, elements 70 and 73);

(iv) linking the at least one word from the transcribed text file and the at least one word from the verbatim text file (Col. 3, Lines 63-66; Col. 4, Lines 23-27; Fig. 4, elements 70 (*verbatim text*) and 73 (*transcribed text*)) and

(v) repeating (iii) and (iv) until all the words in the verbatim text file have been linked (*information that needs to be linked*, Col. 3, Lines 63-66).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Holt *et al.* (US Patent 5,960,447) in view of Bijl *et al.* (US Patent 6,366,882).

Regarding claim 2, Holt *et al.* do not explicitly disclose but Bijl *et al.* suggest loading of the first and second windows allows for simultaneous viewing of at least an active portion of both of the first and second windows (*simultaneous display of multiple documents with possible cut-and-paste operations between them*, Col. 12, Lines 42-50).

Therefore it would have been obvious to one ordinarily skilled in the art at the time of the invention to supplement the teachings of Holt *et al.* with loading the first and second window so as to allow simultaneous viewing of at least an active portion of both of the first and second windows, as taught by Bijl *et al.*, since simultaneously displaying both windows allows the user or editor to view the text as originally transcribed by the text-to-speech element and correct errors as necessary.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minerva Rivero whose telephone number is (571) 272-7626. The examiner can normally be reached on Monday-Friday 9:00 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on (571) 272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2655

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MR 9/12/05



W. R. YOUNG
PRIMARY EXAMINER